

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HUGO ALEXANDER BERMUDEZ-CRUZ,

Defendant.

8:00CR259

ORDER

Defendant Hugo Alexander Bermudez-Cruz (Bermudez-Cruz) appeared before the court on April 28, 2006, on an Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 25). Bermudez-Cruz was represented by Assistant Federal Public Defender David M. O'Neill and the United States was represented by Assistant U.S. Attorney Christian A. Martinez. Bermudez-Cruz waived the presence of an interpreter in the Spanish language. Through his counsel, Bermudez-Cruz waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Report alleges probable cause and that Bermudez-Cruz should be held to answer for a final dispositional hearing before Chief Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, Bermudez-Cruz declined to present any evidence on the issue of detention and otherwise waived a detention hearing. Since it is Bermudez-Cruz's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Bermudez-Cruz has failed to carry his burden and that Bermudez-Cruz should be detained pending a dispositional hearing before Chief Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:30 p.m. on May 1, 2006**. Defendant must be present in person.

2 Defendant Hugo Alexander. Bermudez-Cruz is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 28th day of April, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge